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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,171	10/20/2003	Nanlin Han	CIP2345A-NH	3952
30265	7590	05/25/2006		
RAYMOND Y. CHAN 108 N. YNEZ AVE., SUITE 128 MONTEREY PARK, CA 91754			EXAMINER GATES, ERIC ANDREW	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/690,171

**Applicant(s)**

HAN, NANLIN

**Examiner**

Eric A. Gates

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 5-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election of species I, claims 1-4, in the reply filed on 24 April 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 5-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 24 April 2006.

### ***Specification***

3. The abstract of the disclosure is objected to because it exceeds 150 words. Correction is required. See MPEP § 608.01(b).
4. The disclosure is objected to because of the following informalities: On pages 5 through 7, figures 35A and 35B are referred to as figure 35, figures 40A and 40B are referred to as figure 40, figures 64A-D are referred to as figure 64, and so on.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 1 recites the phrase "means for securely fastening said locking head in said cap hole at a designated direction for holding said two piece materials or said papers between said button post and said button cap in such a manner that said button cap is tightly engaged with said locking head of said post of said button post at a locking side to prevent said button cap from pulling apart from said locking head of said button post while a pulling force applied to said two piece materials or papers tends to pull said button cap from said locking head of said button post". It is unclear what is being claimed in the latter portion of this phrase.

b. Claim 1 recites the limitation "said locking head of said button cap" in lines 15-17. There is insufficient antecedent basis for this limitation in the claim.

c. Claims 3 and 4 recite the limitation "said third and fourth sides" in the last line of the claim. There is insufficient antecedent basis for this limitation in the claims.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Jahn

(U.S. Patent 6,076,990).

9. Regarding claim 1, Jahn discloses a button binder 1 for binding papers 27 each having at least a punched hole along one edge thereof, and a button connector 5 for binding two piece materials, wherein said button binder and button connector comprise at least a button 11 which comprises: a button post 15 comprising a post 15 and a locking head (not labeled, top rounded head portion of post 15, see figure 2) provided at a top end of said post; a button cap 9 having a cap hole 13 for receiving said locking head of said post of said button post therein; and means 7/9/11 for securely fastening said locking head in said cap hole at a designated direction for holding said two piece materials or said papers between said button post and said button cap in such a manner that said button cap is tightly engaged with said locking head of said post of said button post at a locking side (bottom side of button cap 9) to prevent said button cap from pulling apart from said locking head of said button post while a pulling force applied to said two piece materials or papers tends to pull said button cap from said locking head of said button post, and that said button cap is capable of detaching from said locking head 13 of said button cap when said cap is pulled to disengage from said locking head of said button cap at a side other than said locking side.

10. Regarding claim 2, Jahn discloses wherein said means 7/9/11 comprises a pull piece 7 which is extended from said button cap 9 being arranged to be handled and pull

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said button cap 9 to disengage from said locking head 13 of said button cap at a side (top side of button cap 9) other than said locking side (bottom side of button cap 9) so as to detach said button cap 9 from said button post 15.

11. Regarding claims 3 and 4, Jahn discloses wherein said means 7/9/11 further comprises an enlarged head (not labeled, see figure 2) at said top end of said post 15 of said button post 15 to function as said locking head, wherein said enlarged head has a smooth curve portion at a first side (top side of post 15 in figure 2) of said post and extends to form a sharp shoulder at an opposite second side (bottom side of enlarged head) as said locking side, wherein said means further includes a mouth 13 formed at a downward edge of said cap hole 13 of said button cap 9 wherein a first side (bottom of cap hole 13 in figure 2) of said mouth has a smooth curve edge while an opposite side of said first side (opening of cap hole in figure 2) of said mouth has a sharp shoulder edge, wherein when said post engages in said cap hole of said button cap, said smooth curve edge and said smooth curve portion fit with each other to form a smooth curve site (see figure 3) and said sharp shoulder and said sharp shoulder edge latch with each other to form a tooth pawl site (see figure 3), therefore said button is able to be opened at said first side (through a force applied in an upward direction in figure 3 by pull piece 7) through said smooth curve site and is unable to be opened at said locking side as well as said third and fourth sides (right and left sides of button cap 9 in figure 3) (forces applied in the downward (locking side) and left and right (third and fourth sides) directions will not open the binder).

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**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, especially to claim 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Gates whose telephone number is 571-272-5498. The examiner can normally be reached on Monday-Thursday 7:45-6:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



EAG  
23 May 2006



MONICA CARTER  
SUPERVISORY PATENT EXAMINER